



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/618,682	07/15/2003	Robin Lee	3313-1014P	5527
2292 7590 06/25/2007 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			EXAMINER NGUYEN, MADELEINE ANH VINH	
			ART UNIT 2625	PAPER NUMBER
			NOTIFICATION DATE 06/25/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/618,682

Applicant(s)

LEE, ROBIN

Examiner

Madeleine AV Nguyen

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

- a. Concerning claim 6, clarification is needed on “mice” or description is required on how “mice in a drag and drop way” can determine the range of the selected block.
 - b. Concerning claim 10, correction is needed on “the step of s applying image processing functions”, and clarification is needed on “rage” in line 5. What is “the rage of the selected block”?
3. Claim 6 recites the limitation "the range" in line. There is insufficient antecedent basis for this limitation in the claim.
4. Claim 8 recites the limitation "the coordinate" in line 2. There is insufficient antecedent basis for this limitation in the claim.
5. Claim 10 recites the limitation "the rage" in line 5, and “the parameters” in line 10. There are insufficient antecedent basis for these limitations in the claim.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-2, 4-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Pineau et al (US Patent No. 5,257,097).

Concerning claim 1, Pineau discloses a preview method of color processing on input images which enables users to select a block of a preview image in image processing software to apply various image processing functions in a WYSIWYG way (Figs.3), comprising the following steps: reading an original image (22, Fig.3A); extracting and displaying a first preview image (28X, Fig.3A); applying image processing functions on a selected block; and applying image processing functions on the original image (Fig.6); and displaying the processed image (74, Fig.6), (Abstract; col. 7, line 46 – col. 8, line 18; col. 9, line 40 – col. 10, line 56; col. 13, lines 1-24; col. 14, line 61 – col. 15, line 14; col. 16, lines 28-34; col. 17, lines 1-13).

Concerning claims 2, 4-13, Pineau further teaches the original image is read by an image processing software from a digital image input device (col. 10, line 65 – col. 11, line 8; col. 11, lines 42-59), (claim 2); the step of extracting the first preview image is executed in a user interface wherein the user interface comprises at least an image processing function setup area and an image preview area (col. 9, lines 40-63; col. 10, lines 11-16, lines 42-56), (claims 4-5); the range of the selected block is determined by mice in a drag and drop way (col. 11, lines 19-

Art Unit: 2625

27; col. 13, lines 1-25), (claim 6); the image processing functions comprise at least color mode adjustment, resolution adjustment, brightness adjustment, contrast adjustment, blur/sharpness adjustment and special effects (col. 5, lines 5-7; col. 10, lines 3-30; col. 11, lines 65-68; col. 12, lines 15-20; col. 13, lines 1-25; col. 16, lines 25-34), (claim 7); the information of the selected block comprises at least information of the original image, the coordinate of the selected block and the parameters of the applied image processing functions and information of the original image comprises at least the size and color of the image (col. 7, lines 46-62; col. 10, lines 17-30; col. 13, lines 1-25), (claims 8-9); the steps of copying the first preview image to produce a second preview image (for editing or modifying); displaying the first preview image in the user interface; determining the range of the selected block; recording information of the selected block; using the image processing functions; applying the image processing functions of the selected block; confirming to apply the image processing functions; and transmitting the parameters of image processing functions (Figs.3, 6; Abstract; col. 7, line 46 – col. 8, line 18; col. 9, line 40 – col. 10, line 56; col. 13, lines 1-24; col. 14, line 61 – col. 15, line 14; col. 16, lines 28-34; col. 17, lines 1-13), (claim 10); when users change the selected block further comprises steps of updating information of the selected block, when the users undo the applied image processing functions further comprises a step of a recovery process; the recovery process is to replace the first preview image by the second preview image (col. 9, lines 40-46, lines 61-63; col. 10, lines 39-56; col. 13, lines 1-25; col. 14, line 61 – col. 15, line 9; col. 16, lines 25-34; col. 17, lines 1-13; col. 18, lines 24-63), (claims 11-13).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Pineau as applied to claims 1-2 above, and further in view of Ring et al (US Patent No. 5,754,184).

Concerning claim 3, Pineau further teaches the digital image input device is one selected from the group consisting of a scanner, a digital camera.

Pineau does not directly teach that the digital image input device can be a digital video camcorder. However, it is a matter of well-known in the art at the time the invention was made to consider the digital image input device of the digital system in Pineau is one selected from a group consisting of a scanner, a digital camera and a digital video camcorder since Pineau also teaches that the digital input device can read image from hardcopy, film, video, image data storage and retrieval device such as a CD-ROM, PhotoCD. In addition, Ring et al supports the well-known in the prior art by disclosing a digital color system (Fig.1) for transforming and editing color signals using a preview display device wherein the input devices are photo CD (12), scanned input (10), video capture (16), monitor RGB (20), CMYK (18). It would have been obvious to one skilled in the art at the time the invention was made to combine the teaching of a variety of input devices for inputting and reading an original image to the digital system in Pineau since both of Pineau and Ring et al teach a system for a visual match across different

Art Unit: 2625

input and output viewing conditions and devices.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Lester et al (US Publication No. 2003/0174357) discloses a printing system for generating a proof image prior to printing.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 571 272-7466. The examiner can normally be reached on Tuesday-Thursday 12:30-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

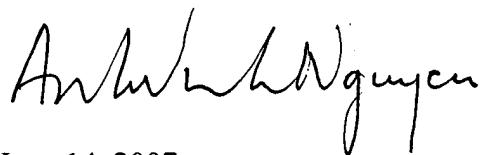
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Madeleine AV Nguyen

Application/Control Number: 10/618,682

Page 7

Art Unit: 2625

A handwritten signature in black ink, appearing to read "Madeleine AV Nguyen". The signature is fluid and cursive, with the first name "Madeleine" written in a stylized, connected script, followed by "AV" and "Nguyen".

Madeleine AV Nguyen
Primary Examiner
Art Unit 2625

June 14, 2007